

1 MCGREGOR W. SCOTT
United States Attorney
2 DEBORAH LEE STACHEL
Regional Chief Counsel
3 DANIEL P. TALBERT
Special Assistant United States Attorney
4 Social Security Administration
160 Spear Street, Suite 800
5 San Francisco, CA 94105
Telephone: (415) 977-8995
6 Facsimile: (415) 744-0134
Attorneys for Defendant
7
8
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION
13
14

15 DEAN MICHAEL COX,
16 Plaintiff,
17 v.
18 ANDREW SAUL,
Commissioner of Social Security,
19 Defendant.
20

No. 2:20-cv-00378-DMC

STIPULATION AND ~~PROPOSED~~ ORDER
TO REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)

The parties stipulate that, subject to the approval of the Court, this action shall be remanded to the Commissioner of Social Security for further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), sentence four. Upon remand, the Appeals Council will instruct the Administrative Law Judge to clarify the claimant's alleged onset date of disability, reevaluate the medical evidence of record, including the April 22, 2019 opinion of Robert E. Burky, M.D., reevaluate the claimant's maximum residual functional capacity and the claimant's subjective complaints, and obtain supplemental vocational expert evidence as necessary. The Administrative Law Judge will also conduct the further proceedings required to determine whether drug addiction and/or alcoholism is a contributing factor material to the determination of disability. The Administrative Law Judge will offer the claimant the opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final decision of the Commissioner.

DATE: November 24, 2020

Respectfully submitted,

s/ Joseph Clayton Fraulob

Joseph Clayton Fraulob

Law Offices of Hadley & Fraulob

Attorney for Plaintiff

(as authorized by email)

McGREGOR W. SCOTT

United States Attorney

DATE: November 24, 2020

By s/ Daniel P. Talbert

DANIEL P. TALBERT

Special Assistant United States Attorney

Attorneys for Defendant

OF COUNSEL:

Oscar Gonzalez de Llano

Assistant Regional Counsel

Office of the General Counsel, Region IX

Social Security Administration

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 25, 2020~~November 24, 2020~~



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

DATED: _____
THE HONORABLE DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE